Crl.Misc.No.21742-M of 2007

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Statement of Ms.Neena Mahajan, Resident of House No.2425, Sector 24-C, Chandigarh, on S.A.

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I was married to Raj Kumar son of Ram Lal (the petitioner) on 3.6.2000. I and my husband, however, could not pull on together as a result of which I got registered the F.I.R. in question against my husband and his family members. Meanwhile, we have compromised on 10.3.2007 and even prior thereto have obtained divorce on 7.11.2006 from the Court of learned Additional District Judge, Chandigarh. I have seen my affidavit dated 10.3.2007 (Annexure P-6) which is correct. I have also received full and final payment from the petitioner and his family towards permanent alimony including a sum of Rs.90,000/- received today by way of demand draft Nos.993308, 993309 dated 24.4.2007 drawn at Punjab National Bank, Chandigarh. I have no objection if the impugned F.I.R. is quashed.

R.O. & A.C.
28.4.2007

(SURYA KANT
JUDGE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.21742-M of 2007
Date of Decision:- 28.04.2007

Ram Lal ....Petitioner(s)

through
Mr.S.P.S.Bhullar, Advocate

vs.

State of U.T. & anr. ....Respondent(s)

through
None.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.46 dated 6.2.2006 under Section 498-A IPC registered at Police Station Sectore 34, Chandigarh, as well as all the consequential proceedings arising therefrom.

The afore-mentioned relief has been sought on the ground that petitioner's son, namely, Raj Kumar and respondent No.2-Ms.Neena Mahajan have not been able to pull on together after their marriage in June 2000 and no child was born out of the said wedlock. It has been pointed out that vide order dated 7.11.2006 passed by the learned Additional District Judge, Chandigarh, the marriage between the petitioner's son and respondent No.2 has been dissolved by way of decree of mutual divorce and respondent No.2 has been paid full and final amount towards permanent alimony and/or any other claims. Respondent No.2 in her statement has supported the prayer made in this petition.

In view of the afore-mentioned stand taken by the parties and having regard to the principles laid down by the Apex Court in **B.S.Joshi and others vs. State of Haryana and another,** 2003 (2) RCR (Criminal) 888, this petition is allowed and the impugned F.I.R.No. 46 dated 6.2.2006 under Section 498-A IPC registered at Police Station Sectore 34, Chandigarh, as well as all the consequential proceedings arising therefrom, are hereby quashed.

Disposed of.

April 28, 2007 **(SURYA KANT)**
poonam **JUDGE**